

REMARKS

Applicant respectfully requests the Examiner's reconsideration of the present application as amended.

Claims 1-30 are pending in the present application.

Claims 1-24 and 29-30 are rejected under 35 USC §101.

Claims 25 is rejected under 35 USC §102(e) as being anticipated by U.S. Patent Publication No. 2003/0009705 ("Thelander").

Claims 1-2, 4-7, 18-19, and 26-30 are rejected under 35 USC § 103(a) as being unpatentable over Thelander in view of U.S. Patent Publication No. 2003/0085621 ("Potega").

Claims 9, 11, 12, 21, 23-24 are rejected under 35 USC §103(a) as being unpatentable over Thelander in view of Potega and further in view of U.S. Patent No. 5,600,841 ("Culbert").

Claims 13-15 are rejected under 35 USC §103(a) as being unpatentable over Thelander in view of U.S. Patent No. 5,652,893 ("Ben-Meir").

The Office Action does not apply any art rejections to claims 3, 8, 10, 16, 17, 20 and 22.

Applicant wishes to thank the Examiner for confirming over the telephone on August 8, 2006 that claims 3, 8, 10, 16, 17, 20, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-11, 16, 21-23, and 29-30 have been canceled.

Claims 1, 12, 13, 17, 18, 24, and 25 have been amended. Claims 31-38 have been added.

Support for the amended and new claims is found on pages 9, 11, and 12 of the specification, Figure 4 of the drawings, and claims 1-28 as originally filed. No new matter has been added.

Claims 1-24 and 29-30 are rejected under 35 USC §101. Specifically, the Office Action states that

The power data is collected, but there is no final step of using the power data in any way of making the collecting power data available for use in a meaningful way (e.g. in some instances, if it was conveyed to someone or stored for retrieval or display, that would establish a tangible result.

(6/9/2006 Office Action, p. 2).

Applicant respectfully submit that new and amended claims 1, 13, 18, 31, and 36 now include the limitation of generating either an indication to a user if a systematic error exceeds a predetermined value, or if a difference between a first and second net power values exceeds a threshold value, or generating an indication of a net power consumption of an application or a new run-time to a user. Applicant submits that generation of these indications constitutes useful, concrete, and tangible results and that these new and amended claims satisfy the requirements under 35 USC §101.

Claims 25 is rejected under 35 USC §102(e) as being anticipated by Thelander. Specifically, the Office Action states that

Regarding claim 25, Thelander et al. disclose a power evaluation unit comprising: a data retriever unit (client service process 305) to retrieve power data (e.g.[0061] from an operating system (301) by a battery (e.g. [0061], [0083], computer 205 is operating from battery power); and a data processor unit (microcontroller) to determine a net power consumption of an application from the power data (e.g. [0060]).

(6/9/2006 Office Action, pp. 3-4)

Applicant submits that Thelander fails to disclose a power evaluation unit having a data retriever unit to retrieve power data supplied to an operating system by a battery, and a data processor unit to determine a net power consumption of an application from the power data.

On the contrary, Thelander discloses power scheme settings that puts basic hardware into a standby mode, when the computer is operating from battery power. The power scheme settings are not supplied to an operating system by a battery. The power scheme settings are selected by a user (see

Thelander [0044], [0045], and [0083] and Figures 4 and 10). The battery described in Thelander does not supply power data to an operating system that is used to determine a net power of an application. The battery in Thelander is used only for powering a computer (see Thelander [0045]). Applicant submits that “battery power” is not the same as “power data” as claimed.

In contrast, claim 25, as amended states

A power evaluation unit, comprising:
a data retriever unit to retrieve power data supplied to an
operating system by a battery; and
a data processor unit to determine a net power consumption
of an application from the power data.

(Claim 25, as Amended) (Emphasis added).

Given that claims 26-28 depend from claim 25, it is likewise submitted that claims 26-28 are also patentable under 35 U.S.C. §102(e) over Thelander.

Claims 3, 8, 10, 16, 17, 20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended to include the limitations of claim 10.

Claim 13 has been amended to include the limitations of claim 16.

Claim 18 has been amended to include the limitations of claim 22.

Claim 31 includes the limitations of claim 8.

Claim 36 includes the limitations of claim 3.

Claim 37 includes the limitation of claim 10.

Claim 38 includes the limitations of claim 3.

Given that claims 2-6, and 12 depend from claim 1, claims 14-15, and 17 depend from claim 13, claims 19-20, and 24 depend from claim 18, and claims 32-35 depend from claim 31, it is likewise

submitted that claims 2-6, 12, 14-15, 17, 19-20, 24, and 32-35 are also patentable under 35 U.S.C.

§102(e) and §103(a) over Thelander, Potega, Culbert, and Ben-Meir.

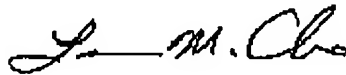
In view of the amendments set forth herein, it is respectfully submitted that the applicable rejections and have been overcome. Accordingly, it is respectfully submitted that claims 1-6, 12-15, 17-20, 24-28, and 31-38 should be found to be in condition for allowance.

The Examiner is invited to telephone Applicant's attorney (217-377-2500) to facilitate prosecution of this application.

If any additional fee is required, please charge Deposit Account No. 50-1624.

Respectfully submitted,

Dated: August 29, 2006

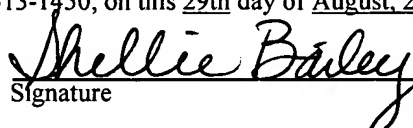


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 29th day of August, 2006.

Shellie Bailey



Signature